

**COMMISSION ON TECHNOLOGY
e-COURT SUBCOMMITTEE
APPELLATE COURTS SUBTEAM
MEETING SUMMARY**

October 7, 2010
10:00 a.m. – 11:30 a.m.

State Courts Building Room 415

**SUPREME COURT MEMBERS
PRESENT**

Justice Andrew Hurwitz
Clerk Rachelle Resnick
Staff Attorney Ellen Crowley

**APPEALS DIVISION ONE
MEMBERS PRESENT**

Chief Judge Ann Timmer
Judge Larry Winthrop
Clerk Ruth Willingham
Jeremiah Matthews
Patsy Lestikow

**APPEALS DIVISION TWO MEMBERS
PRESENT**

Chief Judge Joe Howard*
Clerk Jeff Handler*

AOC STAFF PRESENT

Stewart Bruner, *ITD*
Jim Price, *ITD*

* indicates appeared via telephone

WELCOME AND MEETING PURPOSE

Justice Hurwitz explained that this progress meeting was taking place at a shorter interval than usual so that issues related to AZTurboCourt implementation could be addressed sufficiently in advance of the November 1 implementation. He asked Jim Price and Rachelle Resnick for an update on the progress being made and the issues surfaced.

APPELLATE TURBOCOURT E-FILING PROGRESS

Jim Price stated that though development of the application is still in progress, the goal remains a November 1 implementation. He shared a concern that the remaining time allotted for testing is not commensurate with the complexity of the application. Because the specifications for receiving case data from Appellamotion have not been fully delivered by the vendor, Jim asked about the possibility of adopting an e-delivery strategy without CMS integration to ensure the date is met. Justice Hurwitz did not want to exercise that option at this point. He reminded members that the number of firms and number of cases participating in the pilot are both small and flexible, so room exists to continue to test and refine the way things work during the pilot period.

Internal training needs were also raised as a possible impediment to making the November 1 date. Rachelle would prefer to have two additional weeks for accomplishing training of internal staff on the e-filing process and on direct filing of petitions for review. In response to issues related to PayPal merchant fees, members agreed that programming TurboCourt to not collect fees for appellate filings would be acceptable during the pilot period. The clerk would instead notify filers to pay by check, as Division Two has been

doing for years. Justice Hurwitz restated his two overall goals of constructing enough of a system to show that e-filings are obviously being processed and not to let the perfect become the enemy of the good.

Conversation turned to the issue of clerk review and whether a decision on the subject was going to be issued by e-Court as a whole. Justice Hurwitz related to members that Karl Heckart has been able to reach a compromise with the clerks since the last meeting. Though Karl was not present to elaborate, Stewart has language that describes the general principles as well as a few required practices that stem from those principles. He will circulate the text for members review and comment, but no full e-Court meeting is planned.

DIRECT FILING OF PETITIONS FOR REVIEW

Members discussed specific implications on their court's business practices of a few, specific items in Ellen Crowley's proposed changes to Civil Appellate Rules 22 and 23. Concern about a temporary, bifurcated process prompted members to direct Rachelle to incorporate the content of the proposed rule changes into her draft AO for appellate e-filing. That AO would supersede the rules in their entirety while the formal rules petition circulates.

There was some discussion about the best method for notifying filers of the change to direct filing, short term and long term. Because of the tight timeline leading to November 1, Justice Hurwitz asked members to submit their comments about the changes directly to Ellen by October 14 at the latest.

RECORD ON APPEAL TRANSFER VOLUME

Judge Timmer informed members that the civil case records discussed in the previous meeting are being transferred reliably now. She asked what could be done to receive even more cases and case types from Maricopa, especially criminal cases. Jim Price will contact Rich McHattie in an effort to expand the electronic transfer program. AOC currently lacks the resources to spread the transfer program to other counties filing into Division One.

OTHER UPDATES AND ISSUES

The subject of obtaining electronic records from the Industrial Commission was raised again. This has been given a lower priority issue; hope for success is not high due to the lack of standardization of the technology within the Commission. Judges Howard and Timmer volunteered to meet with the presiding judge of the Commission about the subject to see what could be done.

A question was raised about the ability to electronically receive court reporter transcripts in cases on appeal. Justice Hurwitz felt the subject to be more appropriate for the Keeping the Record committee. Stewart will ask Mike Baumstark what has become of the committee and how Justice Ryan's retirement has affected it, since he was the chair.

WRAP UP

Justice Hurwitz reviewed the list of action items and assignments. A follow-up meeting will be called during the first week in November.

Meeting adjourned at 11:10 a.m.